

April 1, 2010

**OFFICE OF THE HEARING EXAMINER  
CITY OF RENTON**

**Minutes**

OWNER/APPLICANT: Robert Wilson  
21703 60<sup>th</sup> Street East  
Lake Tapps, WA 98391

CONTACT: Shupe Holmberg  
Baima & Holmberg Inc.  
100 Front Street  
Issaquah, WA 98027

Wilson Park Preliminary Plat  
File No.: LUA 09-140, PP, ECF

LOCATION: 720 South 55<sup>th</sup> Street

SUMMARY OF REQUEST: Applicant is requesting approval of a Preliminary Plat for the subdivision of 2.5 acre parcel to encompass 12 lots and 3 tracts for open space.

SUMMARY OF ACTION: Development Services Recommendation: Approve subject to conditions.

DEVELOPMENT SERVICES REPORT: Staff Report was delivered to the Hearing Examiner on March 9, 2010.

PUBLIC HEARING: After reviewing the Development Services Report, examining available information on file with the application, field checking the property and surrounding area; the Examiner conducted a public hearing on the subject as follows:

**MINUTES**

*The following minutes are a summary of the March 16, 2010 hearing.  
The legal record is recorded on CD.*

The hearing was opened on Tuesday, March 16, 2010, at 9:32 a.m. in the Council Chambers on the seventh floor of the Renton City Hall. Parties wishing to testify were affirmed by the Examiner.

<b><u>Exhibit No. 1:</u></b> Yellow file containing the original application, proof of posting, proof of publication and other documentation pertinent to this request.	<b><u>Exhibit No. 2:</u></b> Vicinity Map
<b><u>Exhibit No. 3:</u></b> Preliminary Plat Map	<b><u>Exhibit No. 4:</u></b> Boundary/Topography Map
<b><u>Exhibit No. 5:</u></b> Generalized Utilities/Drainage/Control/Conceptual Grading/Landscaping Plan	<b><u>Exhibit No. 6:</u></b> Road Profile
<b><u>Exhibit No. 7:</u></b> Wall Profiles & Cross Sections	<b><u>Exhibit No. 8:</u></b> Tree Inventory
<b><u>Exhibit No. 9:</u></b> Zoning Map	<b><u>Exhibit No. 10:</u></b> Administrative Policy/code Interpretation Affecting Urban Separator Overlay Regulations, effective January 14, 2010
<b><u>Exhibit No. 11:</u></b> Street Modification Letter, dated November 10, 2009	<b><u>Exhibit No. 12:</u></b> Plat Map Showing All Zoning Designations
<b><u>Exhibit No. 13:</u></b> Map Showing Urban Separator Areas in the Talbot Area of Renton	<b><u>Exhibit No. 14:</u></b> Generalized Utilities and Drainage showing the Retaining Walls
<b><u>Exhibit No. 15:</u></b> Planter Strips for Sidewalks	<b><u>Exhibit No. 16:</u></b> Large Sheet Showing Most Recent Drainage and Grading Plan with the Retaining Walls
<b><u>Exhibit No. 17:</u></b> Right of Way Papers for 55 <sup>th</sup> Street	<b><u>Exhibit No. 18:</u></b> Existing Easement Document for the Smithers Emergency Access Roadway
<b><u>Exhibit No. 19:</u></b> Aerial Photo of Existing Area	<b><u>Exhibit No. 20:</u></b> Going Native Brochure

The hearing opened with a presentation of the staff report by Jennifer Henning, Current Planning Manager, Community and Economic Development Division, City of Renton, 1055 S Grady Way, Renton, Washington 98057. The proposed project is a 2.5 acre site, the nearest access street is South 55<sup>th</sup> Street. The access street is very steep and has several serpentines with a speed limit of 25 MPH. This site has been constrained by trying to get access to it due to the steep slopes. There also have been some difficulties due to City Code because of the Urban Separator Overlay and all the various zoning designations.

The final plat has gone through several revisions to meet all requirements, this presentation today has 12 lots suitable for the development of single-family residential homes. There are three open space tracts, Tracts B, C, and D. There is no Tract A. Tract B is greater than a 40% slope and as such is a protected area that cannot be touched. Tracts C and D are open space areas and are split by the zoning designation. R-1 zone is on the west side and R-8 zone is on the east. All open spaces are considered reserved areas and would be planted with trees by the applicant.

Part of Lot 12, to the north is within the R-1 zone, a portion of this lot would have an easement overlaying it to be considered open space that satisfies the Urban Separator requirements. It is not a separate Tract, but an area that will have an easement over the top.

The remainder of the lots in the plat are between 4,500 and 6,270 square feet. There is a lot of topography on the lots and in order to develop the lots there would need to be some retaining walls constructed. The walls would vary in size from 12-20 feet in height. One retaining wall would be located on the eastern border of Lot 7 and the other would be located on the western border of Lot 12. The retaining wall on the east side would be either poured concrete or soil nail composition; the wall on the west side would be poured concrete or stabilized soil. The walls abutting the property both to the north and the west will have some impact to the property owners at least during construction and perhaps during maintenance. The applicant has been required to secure both construction and maintenance easements. The plan is to terrace those walls and landscape them, it has been requested by Staff that those walls be maintained by the Homeowner's Association. The applicant would like to see the individual homeowners maintain the walls in their particular lot.

The Environmental Review Committee issued a Determination of Non-Significance – Mitigated with eleven mitigation measures. No appeals were filed.

The project is compliant with both Zoning Code and the Comprehensive Plan policies. The density of the proposed plat is 7.99 dwelling units per acre. All lots comply with the minimum width and depth.

The plat would be accessed via a new street that would extend from S 55<sup>th</sup> Street. It would be a 50-foot right-of-way and enters into the plat, makes a curve and becomes S 53<sup>rd</sup> Place. It eventually ends in a "T" that will eventually extend to the north and south property lines with a gated emergency access at the south property line. All on-site roads will be dedicated rights-of-way.

Because of the restraint in this plat, it would be required to have sidewalks and planting strips on one side of the roadway. The sidewalk and planting strip would be located along the west side of the street coming into the plat. There also would be a sidewalk and an 8-foot wide planting strip on the north side of South 53<sup>rd</sup> Place. The planting strip would be 5 feet wide along the north/south interior road.

A tree inventory plan has been submitted, currently there are 101 trees on site, of those 25 must be retained. The applicant has stated that they can only retain 15 trees. The applicant has proposed 60 trees to be planted primarily in the open space areas (Tracts C and D as well as the open space area that is part of Lot 12). Staff has asked for a split rail fence to define these areas.

A goal of the Urban Separator is to create corridors of open space for wildlife to roam through. There are only two areas of the City where the Urban Separator applies, the Talbot Hill Area and May Creek. In Talbot, the Urban Separator slices through the hill and takes just portions of the property and this is why Lot 12 has been designed with the open space that will be surrounded with a split rail fence.

Police and Fire have indicated that there are sufficient resources to serve this area. The project is located in the Renton School District and they do have sufficient room for the projected new students. This project would be subject to School Impact Fees.

There have been some letters sent to the City of Renton concerning the safety on S 55<sup>th</sup> Street and the new driveways that would be taking access onto that street. A safety evaluation was done and it was determined that the roadway was safe based on a higher speed than what is currently allowed on S 55<sup>th</sup> Street.

A drainage report was completed and showed that the parcel to the east drains onto this site and runoff from this site flows to the west into Geneva Court, this flow collects in a drain and flows into the storm system located in the road inside Geneva Court and finally flows into Springbrook Creek.

The drainage vault for this project would be located under the roadway with an easement for maintenance. The opening to the vault would not be located in the roadway, but placed into the landscaping or sidewalk areas adjacent to the vault. There has been vandalism where the grates have been removed which creates a grave traffic safety issue.

Water service would be provided by Soos Creek, the Certificate of Water Availability has been issued for this site. Sewer service would be provided by the City of Renton with a minimum 8-inch diameter extension required. The public streets would become part of the City System with the exception of the emergency access road.

It was requested that a 9<sup>th</sup> Condition be added indicating that the grate covering the drainage vault be located in the sidewalk or the landscaping.

A 15 Minute Recess was taken.

The Hearing Resumed at 10:31 am.

Shupe Holmberg, 165 NE Juniper Street, Issaquah 98027 stated that if the proposed plat is approved subject to the recommended Staff conditions they believe that the public's interest in safety and welfare would be met. Condition #5 calls for the Homeowner's Association to maintain the retaining walls. It would appear to the applicant that the individual homeowners should maintain those walls within their own respective lots. That would involve Lot 7 and 12.

The Drainage and Grading plan that was shown today is not the latest version. The north wall would still be a 5-foot high retaining wall. On the east portions of Lots 4-7 there would be two staged rockeries that would be 2 to 6 feet in height with the highest part being at the north end. The retaining wall on the west side is the same on both plans. The retaining wall on Lot 12 would be approximately 20-feet tall. There would be a fence on top of the 20-foot wall. Since the 20-foot wall does cover several parcels, it might be best if the Homeowner's Association would maintain that particular wall.

In the drainage report it does state that the runoff from the site currently runs through Geneva Court. The proposal for this site is to pick up the drainage, pipe it to the detention vault within the off-site roadway and discharge that to the roadside ditch on S 55<sup>th</sup> Street. Any drainage impacts to Geneva Court would be lessened, no drainage from this site would go to Geneva Court.

The 2009 King County Stormwater Manual would apply to installation and operation of the vault. Each individual lot will have a connection and drainage would be piped directly to the conveyance system.

The emergency access to the site would be paved. Some cut and grading will take place along the road and adjacent lots.

Vincent Geglia, 11410 NE 124<sup>th</sup> St., Ste. 590, Kirkland 98034 stated he had an aerial photo of the site and surrounding areas. The new public road off of S 55<sup>th</sup> Street to the site was pointed out showing that the new interior road, S 53<sup>rd</sup> would hit just on the outside corner of the curve giving the optimum sight distance looking in both directions on S 55<sup>th</sup>. The site distance does meet the City of Renton requirements.

Paul Witt, 617 S 53<sup>rd</sup> Pl, Renton 98059 stated that he lives in Geneva Court, Lot 13. He is not opposed to this project, but does want to make sure that any project in the area is done correctly and safely. This is a challenging project, from his front porch up to the far side of this new site, it is over 110-feet in difference. His concern is to make sure that the retaining walls along the west side are done correctly, he still feels a little vague about exactly what materials are being used to create these retaining walls. He was further concerned about the terminus and vagueness of how far the wall at his corner lot would continue. Going into his back yard and looking up, there would just be a 20-foot wall going straight up, how is that going to look. At that location, the road would be above grade. That roadway could be prone to accidents especially in the snow and ice.

He would prefer to see the maintenance kept with the Homeowner's Association, it sounds great on paper, however, in reality it most likely will not get done. It seems strange to have a Homeowner's Association responsible for something built on City property. The vault that they are responsible for is not on any property they have vested interest in, it is on a City right-of-way on a dedicated street. It would stand to reason that the engineering would be strong enough to hold large vehicles.

Steven Beck, 4735 NE 4<sup>th</sup> Street, Renton 98059 stated that he is the manager of Amberwood LLC and consultant for Wilson Park Preliminary Plat before the Hearing Examiner today.

Lots 4, 5, 6, and 7 to the east will have a rockery on their site. He was involved with the Cherie Lane plat several years ago and recently brought plans to a meeting showing how rockeries and vegetation was handled in the Cherie Land. It was not pretty. They did not want that on this site, so everywhere they can, even on the west side to try to step up and do rockeries and vegetation, it looks much better and is better for the environment. On Lots 4, 5, 6, and 7 where there is approximately a 120-foot depth, the plans include a garage under a two story basement with decks off the main floor. These plans were used in Cherie Lane and worked very well. With that house plan, the back yards can be tiered up with 4-6 foot rockeries at a time and use vegetation on them.

Lot 12, they have discussed how to do that, possibly sloping the hill up slowly to the building pad. If a wall is used, it would have to be textured or soil nail used, but the end product would have to look good.

Kayren Kittrick, Community and Economic Development stated that Geneva Court has a north connection, a small bit of right-of-way that was reserved for future use.

Rockeries four feet and over must be structurally engineered. They require a separate building permit and a separate inspection, there is a special inspection required with a structural engineer on site at the time of the inspection.

The Examiner stated that the road is pretty much at the south end of the retaining wall leaving no room to create terraced or sloped retaining walls.

Ms. Kittrick stated that her concern is that could be a focal point for erosion, she will instruct her staff to pay particular attention to that area. If the wall stops right there, something will have to be placed there to protect the area. The wall and transition would be required to meet building standards.

S 55<sup>th</sup> ideally would be required to have sidewalk, curb and gutter. The problem is that is a third party property and therefore if there were to be any improvements through there it should be associated with designs to accommodate what may be developed on that property. There have been inquiries on that property and it will happen at some time. It is also possible that S 55<sup>th</sup> should be something that the City is looking at as a general overall plan as opposed to putting it on each individual property. They are not prepared to do that today, but it is on their agenda.

Road A will either be called Smithers or Morris, it has not been determined as yet. The preference at this point is to call it Smithers. The north/south connection from S 53<sup>rd</sup> to S 55<sup>th</sup> will be subject to traffic and building requirements. The sidewalk is situated next to the slope and will require a pedestrian level barrier or guard rail of some type. There is a possibility that the school bus may pick up children on S 55<sup>th</sup> that has not been established as yet.

The drainage with the walls must meet the 2009 Manual requirements. The vault would be located in the dedicated right-of-way and the grate would be placed outside the traffic right-of-way. The sewer line would run down S 55<sup>th</sup> Street.

Because of the protected area on Lot 12, they can only clear 35%. It seems it may be complicated to build the wall, do the grading and remain at less than 35%. They will also need the permission of Mr. Witt and any other neighbors prior to building this retaining wall. Her opinion is that the maintenance of that particular retaining wall should be spread over the whole group in a Homeowner's Association. That particular wall on Lot 12 is in essence holding the entire plat in place. It might have to be in an easement where all the property owners have an undivided interest, which may be stronger than putting it on the Homeowner's Association.

There could be a possibility of flipping Lot 12 and making the open area next to the retaining wall rather than the house.

Mr. Holmberg stated that he had a Geotech engineer present, but did not have a structural engineer in the room today.

The Examiner asked if this wall could be built without disturbing the properties to the west. Permission would be needed to shore it up as it is being built or the piles being driven from the top for the soldier walls and then doing what was necessary.

Mr. Holmberg stated that technically they could build the wall on Lot 12 with no off-site easements. It would be a fill behind the wall. It will have impacts on the four lots in Geneva Court because it is going to be a large wall in their backyard. They did look at putting the building area on the west side of Lot 12, there was less of a building envelope doing it that way, but they could revisit that possibility. It could also be a condition that they work with the homeowners of Geneva Court to try to address some of the visual impacts of that wall.

They are proposing larger lots in this development because of the retaining walls and rockeries that are necessary because of the steep slopes. Lot 12 is a difficult lot.

Moin Kadri, 19213 Kenlake Place NE, Kenmore 98028 stated the soil investigation that was done found the soil in that area to be a glacial till and generally has a fairly high sheer strength. If the foundations are built on that native material that can withstand the bearing capacities and even a retaining wall. The report has options for three different types of retaining structures, in this type of environment, taking care of drainage is very important.

The Examiner stated that he had some concerns with the retaining wall, its length and height and its affect on the properties to the west as well as supporting anything built on Lot 12. He may impose another condition for Lot 12, in that if it can be built it can be built, but it may actually yield to the Urban Separator. These are steep slopes and adjoin other people's property, there are a lot of things involved in making sure it is done safely without jeopardizing anybody on this site or adjacent sites.

Ms. Henning checked on the requirements for a Hillside Subdivision. Lots are required to be larger than the minimum size. Erosion control, grading and Geotech information seem to be the criteria. This is a difficult site, the applicant has been very responsive in working with the City. The remaining concerns would be how clearing would be accomplished on Lot 12 in order to preserve the number of trees required and accommodate all the improvements. There will be export from the site which does not seem to be severe.

The **Examiner** called for further testimony regarding this project. There was no one else wishing to speak, and no further comments from staff. The hearing closed at 11:36 a.m.

### **FINDINGS, CONCLUSIONS & RECOMMENDATION**

Having reviewed the record in this matter, the Examiner now makes and enters the following:

#### **FINDINGS:**

1. The applicant, Robert Wilson, filed a request for an approval of a Preliminary Plat for the subdivision of a 108,884 square foot (2.5 acre) parcel in the R-1, R-8 and R-14 zones and in the Urban Separator Overlay. The original proposal encompassed 13-lots and 4-tracts (for open space and storm detention). The revised proposal encompasses 12-lots and 3-tracts (for open space).
2. The yellow file containing the staff report, the State Environmental Policy Act (SEPA) documentation and other pertinent materials was entered into the record as Exhibit #1.
3. The Environmental Review Committee (ERC), the City's responsible official issued a Determination of Non-Significance - Mitigated (DNS-M).
4. The subject proposal was reviewed by all departments with an interest in the matter.
5. The subject site is located at 720 South 55th Street. The subject site is located north of 55th and does not front directly on that street. The subject site is east of Talbot Road South and is generally south of

Valley Medical Center and directly south of the eastern portion of the Sikh Temple site. An existing home is located on the eastern end of the parcel. That home would be removed if the plat is approved.

6. The map element of the Comprehensive Plan designates the area in which the subject site is located as suitable for the development of a variety of residential uses ranging from low density to medium density uses, but does not mandate such development without consideration of other policies of the Plan.
7. The subject site is currently zoned R-1 (Single Family - 1 dwelling unit/acre), R-8 (Single Family - 8 dwelling units/acre) and R-14 (medium density - 14 units/acre). The R-14 portion is only about 10 feet wide.
8. The subject site is also subject to the Talbot Road Urban Separator Overlay requiring preservation of a corridor of open space. The overlay is located near the westernmost portion of the subject site and is the portion zoned R-1. It is approximately 23,795 square feet. An Administrative Interpretation found that only 50 percent of the area defined by the urban separator rather than 50 percent of the entire site should be restricted to open space use.
9. The subject site was annexed to the City with the adoption of Ordinance 3268 enacted in December 1978.
10. The subject site is approximately 2.49 acres or 108,884 square feet. The rectangular subject site is approximately 207 feet wide (north to south) by 510 feet long. The southwest corner of the subject site is approximately 290 feet north of South 55th.
11. The subject site slopes downward over 110 feet from approximately 370 feet in the northeast corner of the site to approximately 254 feet at its western boundary. The slopes range from 13 percent 39 percent with an area exceeding 40 percent east of the southwest corner of the site. Slopes exceeding 40 percent are designated as protected slopes.
12. The site's sloped topography means the site falls within the definition of a Hillside Subdivision. Larger lots and decreased density are permitted in Hillside Subdivisions.
13. The applicant proposes grading the subject site to create building pads for homes as well as appropriate grades for roads to and through the site. The applicant proposes approximately 17,000 cubic yards of cut and approximately 6,000 cubic yards of structural fill.
14. The tree inventory showed 101 significant trees on the subject site. Code requires the retention of 25 trees whereas the applicant proposes retaining 15 trees. The replacement ratio is six (6) trees for each one removed that should have been retained. Sixty new trees would be planted mainly in the open space corridors. Additional street trees would be required
15. Access to the subject site would be provided via a new public roadway that connects S 55th with the subject site across a neighboring, third-party property. This south to north roadway would be paved to a width of 26 feet and have an eight foot planter strip and a 5 foot sidewalk on its west side. It would connect to a new roadway, Road A, through the site that would curve to the east and end in a T-intersection with another north-south road, Road B. This Road B would extend to the north and south



property lines. The north leg would eventually connect to properties north of the subject site. The south leg would connect to a secondary, gated emergency access easement that connects to S 55th. The emergency road would have 20 feet of paving. Road A, the main road through the site would have a public right-of-way 42 feet wide and would continue the sidewalk on its north side. A modification to reduce Road A to less than 42 feet was denied.

16. The applicant proposes dividing the subject site into 12 lots and 3 tracts (labeled Tracts B, C and D - there is no Tract A). The three tracts are located south of Road A as you enter the plat from the west, followed by Proposed Lots 1, 2 and 3. Proposed Lots 4-7 are located along the eastern edge of the plat, east of Road B. Proposed Lots 8-12 are located along the north side of Road A. Tract B would encompass the critical slopes. Tracts C and D would be open space areas. As initially proposed the eastern portion of Proposed Lot 12 would be an open space easement as it is governed by the Urban Separator overlay.
17. The lots would range in size from 4,500 square feet to 13,006 square feet. Most of the lots would be between 5,400 square feet and just under 6,000 square feet. The different zones have different development standards. Proposed Lots 1 - 11 are subject to the R-8 standards. Proposed Lot 12 is subject to the R-1 standards. There are actually no lots subject to the R-14 standards. Staff noted that the proposed lots appear to meet the appropriate zoning standards.
18. The applicant proposes installing a number of rockeries along the north and east side of the plat to terrace the lots and provide more level building pads or yard areas. These rockeries will vary in height. The initial plans show them as 5 and 6 foot rockeries.
29. The applicant proposes a tall retaining wall along the western boundary of the subject site adjacent to the four (4) lots of the adjacent Geneva Court Plat. The wall will be twenty (20) feet tall. Walls or rockeries will also be provided along the entry road from S 55th to provide suitable grades for a road in the steeper slopes.
20. Construction of walls or rockeries along property lines may require cooperation and even construction easements from adjoining property owners. The applicant cannot enter upon or injure neighboring properties without legal consent. The ERC imposed conditions to address the visual impacts of the large retaining structures.
21. The three zoning districts each have their own density standards and staff calculated that they all comply with their underlying standards. The overall density for the plat would be 7.99 dwelling units per acre after subtracting sensitive areas and roadways.
22. The subject site is located within the Renton School District. The project is expected to generate approximately 5 or 6 school age children. These students would be spread across the grades and would be assigned on a space available basis. The proposal is subject to the Renton School Impact fee.
23. The development will increase traffic approximately 10 trips per unit or approximately 120 trips for the 12 single family homes. Approximately ten percent of the trips, or approximately 12 additional peak hour trips will be generated in the morning and evening.

24. There was concern about traffic and sight distance issues where the plat's access road intersects S 55th. Accidents along this roadway have been reported, including a fatality. The traffic analysis indicated that there is adequate sight distance on this area of the curving, hilly street. S 55th and the access to the plat may be impaired in inclement, snowy weather.
25. Stormwater from the east drains onto the subject site and then west toward Geneva Court where it is collected and conveyed to 53rd and Talbot. This stormwater will be collected on the subject site and conveyed to an off-site detention vault located under the western roadway that connects the plat to S 55th. The project will have to comply with the 2009 King County Stormwater Manual.
26. Sewer service will be provided by the City.
27. Water service will be provided by the Soos Creek District.

**CONCLUSIONS:**

1. While the division of the subject site into additional lots appears to serve the public use and interest, the twelve lot plat is excessively dense. The proposed plat attempts to maximize the density limitations of the subject site and it does so by sacrificing too much of the natural terrain of the property, particularly, the area designated by the Talbot Urban Separator Overlay. Not only does it sacrifice the natural slopes but it would impose a huge 20 foot tall retaining wall on its neighbors creating an aesthetic blight in the rear yards of four separate homes. Rather than blend this plat's terrain with its western neighbors, it creates an obstacle to neighborliness. Staff calculated that the plat would achieve a density of 7.99 dwelling units per acre. That certainly approaches the permitted density of 8 dwelling units per acre, the upper range, of the R-8 including what should be an R-1 dwelling where the lot size is ordinarily one (1) dwelling unit for an over 43,000 square foot area. The Hillside Subdivision regulations suggest reducing densities on steeper properties. The comprehensive plan suggests making use of the natural contours of a site rather than substantially altering them. The applicant will be substantially altering the grades and slopes of a majority of the property, particularly the easternmost lots. It will also be substantially altering property on either side of the new road connecting the site to S 55th. It does not serve the public use and interest to further alter or damage the natural contours along the westernmost, Urban Separator portion of the property, in addition to the other alterations necessary to develop this otherwise substantially constrained parcel. Proposed Lot 12 and Road A are proposed to occupy too much of what should be protected property. Eliminating Proposed Lot 12 will also reduce the potential issues of a 20 foot wall holding up a large area of slope behind the existing Geneva Court homes. Proposed Lot 12 should be eliminated from the plat and its natural features and slope preserved.
2. An eleven lot plat will serve the public use and interest even though it will still substantially alter the terrain of the site and require engineered rockeries or walls along the road and easternmost lots. It will create eleven new parcels that can provide additional housing choices for residents of the City. It apparently can be served by urban services including domestic water and sewer and storm water. It appears that the stormwater can be contained or controlled by inline systems and an off-site vault under the new road. The access to the subject site might preclude access during inclement weather but it is not the only area subject to such constraints as hilly terrain and steeper roads are the only means of accessing certain parcels. Staff reviewed the traffic report and it appears that while the new access road will be steep it can meet engineering standards and its intersection provides reasonable sight distance for

all turning directions.

3. The applicant will be providing mitigation fees to offset some of its impacts on emergency services, traffic, parks and schools. The development of eleven new lots should also increase the tax base of the City. The provision of Road B, the eastern north-south road will provide secondary access for emergency vehicles to the south and a potential connector to the north so that if additional development occurs north of the subject site through access might be available on public roads. A sign should be installed warning potential residents that Road B might be a through road with additional traffic in the future.
4. The Zoning, Comprehensive Plan and Urban Separator all recognized that this site would have additional development potential. The development of the subject site will obviously increase traffic on a steep, serpentine road. It will also introduce what should be short-term construction noise and impacts as well as the permanent additional impacts of an increased population on a parcel which now only supports one home.
5. In conclusion, while the development of the subject site was envisioned by the City's Zoning and Policies, the site is also severely constrained by topography and access limitations. Reducing the density by one lot will not unduly limit development of the site, still provide additional housing choices and also retain some of the natural features that the comprehensive plan and the urban separator intended to protect. Reducing the density by one lot will also protect neighboring properties from severe disruption along their eastern boundaries and protect them from an unsightly 20 foot tall wall.

**RECOMMENDATION:**

The City Council should approve an ELEVEN LOT plat of the subject site subject to the following conditions:

1. The applicant shall comply with all requirements of the Determination of Non-Significance – Mitigated that was issued by the Environmental Review Committee on February 22, 2020 for Project File No. LUA-09-140, ECF, PP.
2. The applicant shall apply for a demolition permit, remove the existing residence and complete final inspections of the demolition prior to plat recording.
3. A Native Growth Protection Easement (NGPE) shall be recorded over all of Proposed Lot 12 and Tracts B, C, and D and Lot 12 shall be eliminated. The edge of the NGPE shall be delineated with a split rail fence and identified with signage as approved by the Planning Division project manager. A fencing and signage detail shall be submitted to the Planning Division project manager for review and approval at the time of construction permit application. The fencing and signage shall be installed prior to recording the final plat.
4. The applicant shall be required to plant replacement trees as indicated on Exhibit 8 prior to recording of the final plat.
5. The applicant shall establish a Homeowners Association for the maintenance of the NGPE and the

stormwater vault and each home shall have an undivided interest in the western retaining wall or walls along the road and if Lot 12 is ultimately approved provide the appropriate documents for the review and approval of the Planning Division project manager prior to recording of the final plat.

6. A note shall be placed on the face of the plat which indicates that Lots 3 and 8 shall be oriented to take access from proposed Road A.
7. The applicant shall place signs at the northerly terminus of proposed Road B which alert future property owners that this road may be extended to the north should future development warrant such an extension. These signs shall be installed prior to recording of the final plat.
8. The applicant shall obtain any necessary construction and maintenance easements for the retaining walls and the stormwater vault subject to review and approval by the City Attorney.
9. The grate covering the drainage vault shall be located either in the sidewalk or the landscaping.
10. All retaining wall, rockeries and transitions shall meet the building standards.

ORDERED THIS 1<sup>st</sup> day of April 2010.

---

FRED J. KAUFMAN  
HEARING EXAMINER

TRANSMITTED THIS 1<sup>st</sup> day of April 2010 to the following:

Mayor Denis Law	Dave Pargas, Fire
Jay Covington, Chief Administrative Officer	Larry Meckling, Building Official
Julia Medzegan, Council Liaison	Planning Commission
Gregg Zimmerman, PBPW Administrator	Transportation Division
Alex Pietsch, Economic Development	Utilities Division
Jennifer Henning, Development Services	Neil Watts, Development Services
Stacy Tucker, Development Services	Janet Conklin, Development Services
Marty Wine, Assistant CAO	Renton Reporter

Pursuant to Title IV, Chapter 8, Section 100G of the City's Code, **request for reconsideration must be filed in writing on or before 5:00 p.m., April 15, 2010.** Any aggrieved person feeling that the decision of the Examiner is ambiguous or based on erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for a review by the Examiner within fourteen (14) days from the date of the Examiner's decision. This request shall set forth the specific ambiguities or errors discovered by such appellant, and the Examiner may, after review of the record, take further action as he deems proper.

An appeal to the City Council is governed by Title IV, Chapter 8, Section 110, which requires that such appeal be filed with the City Clerk, accompanying a filing fee of \$250.00 and meeting other specified requirements. Copies of this ordinance are available for inspection or purchase in the Finance Department, first floor of City Hall. **An appeal must be filed in writing on or before 5:00 p.m., April 15, 2010.**

**If the Examiner's Recommendation or Decision contains the requirement for Restrictive Covenants, the executed Covenants will be required prior to approval by City Council or final processing of the file. You may contact this office for information on formatting covenants.**

The Appearance of Fairness Doctrine provides that no ex parte (private one-on-one) communications may occur concerning pending land use decisions. This means that parties to a land use decision may not communicate in private with any decision-maker concerning the proposal. Decision-makers in the land use process include both the Hearing Examiner and members of the City Council.

All communications concerning the proposal must be made in public. This public communication permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence. Any violation of this doctrine would result in the invalidation of the request by the Court.

The Doctrine applies not only to the initial public hearing but to all Requests for Reconsideration as well as Appeals to the City Council.